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The International Problem of Refugees

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*with the aid of the Research Staff of the Foreign Policy Association,
and in cooperation with the Geneva Research Center*

ONE of the disquieting features of the post-war years has been the practice of the state to drive out large numbers of its citizens because they hold political views opposed to those of the majority, or are of a different race. These refugees are not in most cases directly expelled, but life is made so intolerable for them in the country of which they are citizens that they are indirectly compelled to migrate and seek refuge in other lands. The task of finding homes for these exiles has become a serious international problem which has engaged the attention of the League of Nations continuously almost since its foundation. The letter of resignation of Mr. James G. McDonald as High Commissioner for German Refugees on December 27, 1935 and the recommendations of a League committee regarding treatment of refugees have created worldwide interest in this problem.

ACTION BY THE LEAGUE

The League originally endeavored to tackle the refugee problem through a special organization, the Nansen High Commission, which cooperated closely with regular League machinery. In January 1929 it took steps to limit this activity in the hope that the problem might eventually be solved. Since 1933, however, owing to fundamental changes in the economic and political situation, the League has had to face new refugee problems, and has chosen to

tackle them as they arise by the establishment of special bodies and committees. At the present time the following bodies, all created by the League although differing in their attachment with it, are concerned with refugees: the Nansen International Office for Refugees, which deals with more than a million Russian, Armenian, Assyrian, Chaldean, and Turkish refugees, and the fugitive inhabitants of the Saar; the High Commission for Refugees (Jewish and Other) Coming from Germany, which deals with some 80,000 persons who left Germany in consequence of the National Socialist revolution of 1933, whether Germans, nationals of other states, or stateless persons; and the Committee of the Council for the Settlement of the Assyrians in Iraq. These separate efforts and activities have involved administrative overlapping, as well as confusion with regard to the status of the different groups of refugees.

The League Covenant makes no express provision for international help to refugees. Sanction for League action rests on the broad objective of the Preamble to the League Covenant—"to promote international cooperation by the maintenance of justice." It has also been based on Article XXIII (a) of the Covenant, which prescribes that:

"members of the League will endeavor to secure and maintain fair and humane conditions of labor for men, women, and children, both in their own countries and

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in all countries to which their commercial and industrial relations extend, and for that purpose will establish and maintain the necessary international organizations."

THE HIGH COMMISSION FOR REFUGEES

League intervention was first requested by various international and national relief organizations in 1921, on behalf of the million or more emigrés who fled from Russia at the time of the Soviet revolution. The request, addressed to the Council, asked for help to deal with the juridical and material conditions of the refugees. The League Council accordingly appointed Dr. Fridtjof Nansen as High Commissioner for Refugees.

The Advisory Committee, composed of representatives of philanthropic organizations, assisted the High Commissioner in the work of relief, repatriation and settlement of the refugees. In 1928 the League Council attached to the High Commissioner an Intergovernmental Advisory Commission of representatives of thirteen governments. The task of the High Commissioner, as outlined by the Assembly in 1921, was: to coordinate the action of governments and private organizations for the relief of Russian refugees; to regulate the legal status of a large class of persons who had been rendered stateless; and to assist them to find permanent homes and work.¹

A Russian refugee was defined as "a person of Russian origin, who does not enjoy or no longer enjoys the protection of the Government of the U.S.S.R., and who has not acquired another nationality."²

To the problem of the Russian refugees was added the problem of 1,500,000 Greeks, who in 1922 were forced to leave their homes in Anatolia and in the Turkish provinces, in accordance with the provisions of a protocol attached to the Treaty of Lausanne which permitted the exchange of Greek and Turkish populations. The outcasts were massed in the ports of Greece, a country impoverished and wearied by ten long years of almost continuous warfare. Neither the Greek government alone, nor the philanthropic organizations, could tackle the huge problem of repatriation and settlement. The High Commissioner, Dr. Nansen, entered into negotiations at Constantinople for the exchange of

populations, and his office acted as clearing house for the relief effort. The High Commissioner drew up a settlement plan based on a loan to the Greek government, and the League then set up a Greek Refugee Settlement Commission³ which was attached to its Finance and Economic Section. An American chairman and British officers with experience of Indian settlement were appointed to the Commission, together with two Greek members. In February 1923 the Greek government requested the League Council for aid in obtaining an international loan of £10,000,000 for the permanent settlement of these repatriated Greeks. The international loan, recommended by the Council in June 1923, was placed principally in Britain and the United States, and was secured on certain revenues of the Greek government. The Commission was vested by the Greek government with plenary powers to proceed with the agricultural and urban settlement of the refugees. This development of international aid for refugees through the League differed fundamentally from action on behalf of the stateless Russians, since the Greek refugees had a state to which they could turn. The problem was to assist their absorption and settlement in that state, and not to provide a status and a home for a mass of persons who were stateless and destitute aliens in countries of refuge. The work of the Greek Refugee Settlement Commission is one of the bright spots in the history of international cooperation under the League. Its work of settlement was completed in less than ten years, when it transferred completion of settlement operations and liabilities to the Greek government.⁴

Before the High Commission was well launched in its work for the Russian and Greek refugees, another category of refugees was added to those already entrusted to its care, i.e. 350,000 Armenians who fled from Asia Minor with the Greek population. The definition of an Armenian refugee corresponded to that of a Russian refugee—"any person of Armenian origin, formerly a subject of the Ottoman Empire, who does not enjoy or no longer enjoys the protection of the Government of the Turkish Republic, and who has not acquired another nationality." The League Council decided to treat them like the Russian refugees, and place them under the care of the High Commissioner.⁵

1. Cf. League of Nations, *General Report on Work Accomplished up to March 15, 1922 by Dr. Nansen, High Commissioner for Refugees*, C.124.M.74.1922.

2. Cf. *idem*, *Agreements concerning the issue of certificates of identity to Russian and Armenian refugees*, July 5, 1922, and May 12, 1926, Treaty Series, No. 355, Vol. XIII, p. 237, and No. 2004, Vol. LXXXIX, p. 47.

3. Cf. *idem*, *General Report on the Work of the High Commission for Refugees*, September 4, 1923, A.30.1923.XII.

4. For report of the work of the Commission, cf. League Document A.53.1928.II.

5. Cf. *Agreements concerning the issue of certificates of identity to Armenian refugees*, May 12, 1926, No. 2004, LXXXIX, p. 47. At a later stage smaller communities of Eastern Christians, the Chaldeans and Assyrians, who lived in the Ottoman do-

Since these different classes of refugees were deprived of their nationality and their passports, League action was necessary to provide them with some document of identity and travel which would be recognized internationally, establish an agreement as to the law which should govern their civil status, and secure for them some form of civil protection in the countries in which they resided. Moreover, as all were homeless and many destitute, it was necessary for the League to undertake measures of relief and settlement.

The High Commissioner for Refugees was directly responsible to the Council and was not an officer of the Secretariat. Both the Intergovernmental Commission and the Advisory Committee were purely advisory organs. The work of relief and settlement was effected through representatives of the High Commission in the various cities and countries where refugees were to be found. These representatives were selected by the High Commissioner in consultation with the governments.

The office of the High Commission was maintained by grants from the League, but the relief and settlement work was made possible by funds donated by various philanthropic organizations such as the American Red Cross, Near East Relief, Save the Children Fund, Armenian (Lord Mayor's) Fund, etc.

In 1924 the Council decided to place the work of the High Commission under the International Labor Organization. This decision was passed by the Assembly on September 25, and adopted by the Governing Body of the International Labor Organization in October. It was thought that since the task of the Commission was largely one of finding productive employment for the refugees, the Labor Office should be responsible for all save the legal and political questions, which were still retained by the High Commissioner. The liaison was effected by the Assistant High Commissioner performing also the functions of Chief of Section for Refugee Questions at the International Labor Office.

In 1929, just before the period of the severe world economic depression, the League Council and Assembly decided that the office of the High Commissioner should be liquidated within ten years, and that the League contribution for the office should be gradually decreased. As an experiment, the Assembly transferred the office of the High Commissioner to the Secretariat of the League for a period of one year. In September 1930, after the death of Dr. Nansen, the Assembly set up

minions, were also rendered homeless and stateless. They, too, were brought within the scope of the office of the High Commissioner of the League, and referred to as "assimilated" refugees.

the Nansen International Office, an autonomous body responsible to the League, as successor to the High Commissioner. The Office was to carry on and liquidate the work within the prescribed period.⁶

THE NANSEN INTERNATIONAL OFFICE

The Nansen Office in its new form⁷ has a Governing Body composed of the following: the Secretary General of the League; the Director of the International Labor Organization; four members appointed by the Intergovernmental Advisory Commission; three members appointed by the Advisory Committee of Relief Organizations; and two representatives of relief organizations appointed by the Governing Body itself.

From the beginning, one of the essential characteristics of the League refugee organization was the combination of the philanthropic action of private, i.e. non-governmental bodies, with international and governmental action. The office of the League acts as a bridge between the two elements.

The League pays the greatest part of the administrative cost of the Nansen Office which, in accordance with the resolution of the Assembly in 1931, has been and will be reduced on a graduated scale. The funds for settlement and relief disbursed by the Nansen Office were derived mainly from philanthropic sources, such as the Near East Relief and the British United Committee.

The most difficult task of the Commission was the permanent settlement of the large number of Russian and Armenian refugees. It was at first hoped that in the case of the Russians it would be possible to repatriate the bulk of the refugees. That hope had to be abandoned, and by 1924 it was clear that the Soviet government would not take back most of the former subjects of the Tsarist Empire.⁸

The number of refugees handled by the Nansen Office are as follows: Russian, 700,000-800,000; Armenian, 240,000; Assyrian and Assyro-Chaldean, 7,000; Turkish, 150; Saar, 3,000-4,000. The refugees coming from Germany have numbered between 80,000 and 100,000.⁹

During the period 1922-1929 when there was a demand for labor in many countries of Europe and

6. *Report of the Secretary General on the Future Organization of Refugee Work*, A.28.1930.XIII, p. 5.

7. For the Statutes of the Nansen International Office for Refugees, C.29.1931.XIII., cf. *Official Journal*, February 1931, p. 308.

8. The High Commissioner, however, succeeded in having over 13,000 persons repatriated with full amnesty between 1922 and 1924.

9. *Committee on International Assistance to Refugees*, C.2.M.-2.1936.XII. The Committee warned that these figures should be accepted with the greatest caution.

America, vast numbers of Russian and Armenian refugees were absorbed, it was hoped permanently, in the economic life of those countries.

A delegation appointed by Dr. Nansen visited South America in 1926 and reported that there were opportunities for the transfer of large groups to South American countries which were anxious to extend their programs of immigration. An Inter-governmental Conference, convened by the High Commissioner in June 1927, considered proposals which had been received by the International Labor Office from Argentina, Brazil and other states for the settlement of 30,000 refugees over a period of five years by means of an average advance of £20 per head from the Nansen revolving fund for settlement. These hopes were not fulfilled. The Conference also recommended that the governments should grant financial aid for the settlement of the refugees residing in their countries. A recommendation that the governments should capitalize the annual charge which they incur for the support of destitute refugees by a grant for settlement purposes has constantly been reiterated and adopted by the Assembly, and disregarded thereafter by the governments.¹⁰

Special measures were taken for the settlement of Armenian refugees. The Assembly of 1924 recommended that a Commission of Enquiry be sent to study the possibilities of settlement in the region of Erivan, where large numbers of Armenians had already established themselves. The Commission presented its report to the Assembly in 1925. It proposed a loan of 9,000,000 rubles for settlement. No action was taken, however, beyond the grant of a small sum to the High Commission.

In subsequent years about 10,000 Armenians were assisted by the office to settle in Erivan. Special funds were also raised for the settlement of Armenians in Syria, where some 28,000 persons were placed in agricultural and industrial colonies under a plan administered by M. Ponsot, High Commissioner for France in Syria, and with the help of the International Labor Organization. Over 2,500,000 French francs were advanced to the Armenian refugees for the building of urban quarters and settlement in agricultural colonies. These sums are repayable by the refugees.

Tens of thousands of refugees have been transferred from Eastern Europe to France, South America, and elsewhere. The League organs, moreover, have been instrumental in transferring special religious groups of Russian refugees. It has settled in Paraguay some thousands of Mennonites who were stranded in Eastern Siberia, and in Brazil

groups of Lutheran refugees from Russia who have kept their special German religious character.

Although funds for settlement and relief have been raised mainly from private sources, the High Commissioner obtained, from a Governmental Conference in 1926 an agreement for the institution of a special stamp to be placed on the documents of travel and identity issued to those refugees who had the means of paying. The charge for the stamp was five gold francs, and the proceeds were placed in a revolving fund instituted by the League for the purpose of moving and settling refugees without means. On the death of Dr. Nansen, moreover, a Nansen Memorial Fund was established to assist the work of settlement, to which contributions were made by governments and individuals.

JURIDICAL STATUS OF REFUGEES

A primary function of the League Office for Refugees has been protection of the juridical status of refugees. In August 1921, immediately preceding the appointment of Dr. Nansen as High Commissioner of Refugees, a conference of representatives of ten governments and of philanthropic organizations recommended the granting of identity papers by governments to refugees. A majority of the refugees were without passports and were unable to secure them under the existing circumstances, and some action was necessary to give them juridical protection. Dr. Nansen, on assuming office, acted on that recommendation and convened in 1922 an international conference which drew up a report recommending the adoption of an identity certificate for Russian refugees.¹¹ This certificate was approved by the League Council and adopted by 50 governments. The document is, however, in many ways inferior to a national passport. It is valid for only one year, and bears a note that it is not valid for return to the country of issue unless there is special mention to that effect inscribed on it. Since its issue is left to the discretion of the state sheltering the refugee, it does not afford a great measure of protection.

In 1923 this document was extended to Armenian refugees and a similar conference recommended that the form adopted in 1922 be issued to Chaldean, Assyrian and Turkish refugees as well. In May 1935 the Nansen passport was extended to refugees from the Saar.

It was early recognized that large numbers of refugees and stateless persons scattered in the different countries of Europe were not covered by

10. Cf. League Document C.137.M.71.1925.XII.

11. Cf. League Document Ref./General/I-1931 (Arrangements), p. 1.

these agreements, and that it was necessary to institute some other internationally recognized document for their status and movement.¹²

Nevertheless, the League Council did not then agree to include the groups of stateless persons, composed in large measure of political exiles, in the work of the High Commission. On the other hand, the Communications and Transit Organization of the League, at its third general conference in 1927, considered the introduction of some form of identity paper for stateless persons and persons of doubtful nationality who had not obtained the national certificate. In the end the conference adopted a series of recommendations to the governments¹³ to employ a uniform document of identity and travel which should be similar to the Nansen certificate, but should normally bear the mention "Good for Return" to the country of issue, so that the holder could more readily obtain the visa for entry to another country. Most of the states have accepted in principle the recommendations of the Conference; in practice they have not brought into use a uniform document of identity and travel for stateless persons, but issue some special document of their own.

As regards refugees within the scope of the High Commission, more detailed action was taken to define their juridical status. A conference of the representatives of governments convened by Dr. Nansen in 1928 recommended¹⁴ that the High Commissioner, through his representatives in the different countries, should exercise a number of quasi-consular functions, such as certifying the identity and character of refugees.

The Conference further recommended that the personal status of the refugees should be regulated either by the law of domicile, or if they had obtained no domicile, by the law of residence. It recommended also that the refugee should enjoy certain rights and privileges which were accorded by states to foreigners on conditions of reciprocity, and that the rules which restricted the employment of foreign labor in certain countries should be waived for their benefit.

The League Assembly approved these recommendations in 1928, and particularly urged that states should not expel a refugee from their country until it had first been ascertained that he would be received by another country. That recommendation has been repeated almost annually in the reso-

lutions of the Assembly about refugees, but has been habitually disregarded by the governments.¹⁵

THE 1933 REFUGEE CONVENTION

In accordance with the resolution of the 1928 Assembly to prepare an international convention concerning the status of refugees, a conference of the Governmental Advisory Commission was held in 1933. It drafted a convention¹⁶ which had as its object "to establish conditions which shall enable the decisions already taken by the various states to be fully effective."

The states parties to this convention undertake to issue Nansen certificates valid for not less than one year to refugees residing regularly in their territory, and to include in the certificate a formula authorizing return to the country of issue as well as exit. Their consuls may extend the certificates for a period of six months. This provision marks a substantial improvement on the original arrangement for the Nansen Certificates, with regard to the period of validity as well as the right to return to the country. The parties undertake not to remove or keep from their territory by police measures, such as expulsion or non-admittance at the frontier, any refugee who has been authorized to reside there regularly,¹⁷ unless the measures are dictated by reasons of national security or public order. The convention does not contain an explicit restriction on the expulsion of a refugee who has not the right to enter another country. But it is said, negatively, that "each state reserves the right to apply such measures as it may deem necessary to refugees who, having been expelled for reasons of national security, are unable to leave its territory because they have not received . . . the necessary authorizations to proceed to another country."

The convention adopts the principles laid down in the previous agreement concerning juridical conditions. Refugees should have free and ready access to the courts of law; and in countries in which they have their domicile or residence they shall enjoy on the same terms as the nationals the benefit of legal assistance, and be exempt as plaintiffs in the courts of law from the obligation of giving security for costs.

As to labor conditions, an indefinite article prescribes that "the restrictions ensuing from the applications of laws and regulations for the protection of the national labor-market shall not be applied in all their severity

12. For a full treatment of the problem of stateless persons, cf. André Colaneri, *De la condition des "sans patrie"* (Paris, Librairie générale de droit et de jurisprudence, 1932).

13. Cf. League Document C.558(b).M.200(b).1927.VIII.

14. Cf. League Document Ref./General/1-1931 (Arrangements), p. 13.

15. Cf. *Documents Préparatoires et Procès-verbaux de la Conférence Intergouvernementale pour le Statut Juridique des réfugiés*, 28-30 juin 1928, VIII, Réfugiés, 1930, XIII, p. 191; League Document Ref./General/1-1931 (Arrangements), p. 21; Lebas C. Verdet, *Journal du Droit International*, 1932, p. 962.

16. Questions Juridiques, V.1933,1-8, pp. 1-6.

17. Austria, Greece, Estonia and Czechoslovakia did not accept the article (9) covering this point. Other countries—France, Germany, Switzerland—agreed to apply it when legislation to the contrary did not exist.

to refugees domiciled or regularly resident in the country," and they shall be automatically suspended in favor of a refugee who has been resident for not less than three years in the country; is married to a person possessing the nationality of the country; has one or more children possessing that nationality; or is an ex-combatant of the World War.

Refugees who are victims of industrial accidents are to receive the most favorable treatment accorded to foreign nationals. In cases of unemployment, sickness, invalidity, or old age, and also in the application of social insurance laws, the refugees are to receive the most favorable treatment accorded to nationals of a foreign country. They are to have the same rights in the schools and universities as are accorded to foreigners in general; and, finally, they are not to be subject to any exceptional duties, charges or taxes.

The convention shall come into force as soon as the ratifications or accessions have been received on behalf of at least two members of the League or two non-member states. It may be denounced after the expiration of five years from the date on which it comes into force, and reservations may be made by any signatory to any part of the convention. In fact, the representatives of Belgium and France made certain reservations—the Belgian with regard to unemployment and social insurance, the French with regard to the application of laws and regulations fixing the proportion of wage-earning foreigners.

The League Assembly in 1934 adopted a resolution inviting the governments to ratify the Convention without delay, in order that the problem might be liquidated. To date three governments have ratified—Bulgaria, Norway and Czechoslovakia; three other states have signed the Convention—Belgium, Egypt and France.¹⁸

The Convention expressly provides only for Russian, Armenian, and assimilated refugees; it does not cover refugees from other countries who are in equally urgent need of international regulation of their status. The Intergovernmental Commission, which drafted the 1933 Convention, recommended that the Council reconsider the question of extending to other categories of exiles the arrangements enacted for the Nansen refugees. In May 1934, however, the Council decided that such a step would be inopportune, and asserted that each government should be at liberty to decide what treatment it would apply to other refugees in its territory.

The League Council recognized the special difficulties encountered by unemployed aliens, and in 1931 appointed a Committee of Experts to study the question of assistance to indigent foreigners generally. The Committee drew up at Geneva in

December 1933 a draft convention prescribing that the benefit of the measures proposed shall be extended not only to nationals of the contracting parties, but also to

"refugees as defined in the Geneva Agreements of May 12, 1926, and June 30, 1928 (that is, the Nansen refugees), and by the administrative practice of the countries in which they are regularly authorized to reside, together with stateless persons and persons of indeterminate nationality."¹⁹

The Draft Convention recommended that the governments should not remove from their territory by means of police measure, such as deportation or expulsion, indigent persons who are refugees without nationality or of indeterminate nationality, until they have received visas and facilities to proceed to another country. Necessary assistance should be assured them so long as they remain in the country of residence. The British expert, however, stated that he had to refrain from adopting an attitude toward the article which embodied this principle; and the experts of Denmark, Switzerland and the United States were doubtful about the willingness of their countries to enter into any international convention providing for assistance to indigent foreigners. The Committee adopted a recommendation

"that the participation of foreigners in the benefits of unemployment insurance and various forms of assistance to unemployed should be regulated as early as possible, and in the most liberal manner, by means of an International Labor Convention on the basis of the principle of equality of treatment."²⁰

EFFECT OF THE ECONOMIC DEPRESSION

The conventions, agreements and recommendations described above, not having been acted upon by the majority of the governments concerned, did little to alleviate the effects of the world economic crisis on the tens of thousands of Russian and Armenian refugees. It was inevitable that when workmen had to be thrown out of employment because of the catastrophic decline in labor demand, the alien in the land should be the first victim. Today in some countries 50 per cent of the Nansen refugees are unemployed. In many European states the governments endeavored to get rid of unemployed aliens. Refugees were served with notices to quit the country when the period of their certificate of identity and travel had expired; they were refused extension of their permits to work and,

19. Cf. League of Nations, C.10.M.8.1934.IV.

20. The International Labor Conference of 1934 unsuccessfully attempted to obtain agreement on a convention extending national treatment to foreign unemployed workers on relief.

18. Cf. League Document C.2.M.2.1936.XII., p. 15.

in cases where they stayed or took work in violation of these orders, they were thrown into prison.

In many cases where orders of deportation were executed against a refugee, the unfortunate individual found himself imprisoned in one country for having entered it without permission, and then thrown into another country to be imprisoned for the same reason there as soon as his unauthorized presence was discovered.

It is notable that the decision of the League to liquidate its Office for Refugees by December 31, 1938 was made immediately before the period of severe economic depression which has aggravated the problem for masses of the refugees.

The problem of the refugee differs from the larger problem of unemployment because his economic difficulties are further complicated by government action, and because the state's measures of relief for the unemployed among its own citizens are not generally applied to unemployed stateless aliens. Many states have enacted legislation which prohibits the employer from engaging foreign workmen save in very restricted measure, and in consequence of these regulations numbers of refugees have been turned out of employment and forced to resort to illicit means of livelihood. It is a further aggravation of the lot of the unemployed refugee that he normally does not have, like the unemployed citizen, a permanent home in the country. He is a wanderer on the face of the earth, and thwarted at every turn by government action as well as by economic circumstance.

PROBLEM OF REFUGEES FROM GERMANY

A new refugee problem was brought before the League Assembly in 1933. The National Socialist government in Germany, which came into power at the beginning of that year, dismissed officials who were not of Aryan origin, excluded non-Aryans with some exceptions from all the liberal professions and from participation in the intellectual life of the country, and obtained their dismissal in large numbers from commercial and industrial enterprises. It took the same measures against persons "whose previous political activities or sympathies did not offer the assurance that they would invariably and without reserve support the National Socialist state." As a result of this action and the persecution which was fostered on grounds of race or political opinion, some 60,000 persons left Germany during the summer of 1933, either because they were of Jewish race or because they were political "undesirables." In normal times the absorption of a number of energetic and intellectual mi-

grants in other countries would have been an easy task, but the economic crisis made this extraordinarily difficult. The stream of emigration, particularly of Jews and persons of Jewish race, has continued during the last two years, and the total number of those who have left Germany is estimated at over 80,000.²¹

The question of aid for refugees from Germany was first brought before an organ of the League at the annual International Labor Conference in 1933, when the International Labor Organization was invited to take measures for the relief and settlement of those in need. Then at the League Assembly the Netherlands delegation urged that the settlement of refugees who had been admitted into countries adjacent to Germany should be regarded as "an economic, financial and social problem which can be solved only by international collaboration." The Second Commission of the Assembly, to which the proposal was referred, adopted a resolution which urged that the Council should nominate a High Commissioner "to negotiate and direct the international collaboration, and particularly to provide, as far as possible, work for the refugees in countries which are able to offer it." The German delegation, which at first said that it would disinterest itself in the matter, later opposed the proposal that the High Commissioner should be directly attached to the League. In order to overcome Germany's opposition, it was agreed to set up an entirely autonomous organization. The resolution passed by the Assembly stated that the League Council should

"invite states, and, if it thinks it advisable, private organizations best able to assist refugees, to be represented on a Governing Body of which the duty will be to aid the High Commissioner in his work,"

and to receive periodical reports from him on the development and fulfillment of his task. The Council appointed an American, Mr. James G. McDonald, as the High Commissioner, and invited fifteen states to send representatives to the Governing Body. Twelve immediately accepted the invitation: they included all the countries adjacent to Germany except Austria; Great Britain, Italy, Sweden; and the United States and Uruguay. Spain, Argentina and Brazil abstained. Subsequently Yugoslavia was added to the Governing Body.

ORGANIZATION AND FUNCTIONS OF THE HIGH COMMISSION

The High Commission, like the Nansen Office, was an autonomous organization, but was com-

21. *Report of the High Commissioner, Mr. James G. McDonald*, London, July 17, 1935.

pletely detached from the League. While the League contributed to the Nansen Office, the resolution of the Assembly suggested that the expenses of international collaboration and the High Commissioner's office should be defrayed by funds contributed voluntarily from private or other sources. In fact the expenses of the office were entirely borne by contributions of philanthropic organizations, save for a contribution made by the Swedish government. The reports of the High Commissioner, moreover, were not submitted to the League Council as were those of the Nansen Office.

The seat of the office was placed originally in Lausanne, but was subsequently moved to London in October 1934. The organization of the High Commission for German Refugees was similar to that of the Nansen Office. Besides the Governing Body of thirteen governmental representatives there was an Advisory Council composed of representatives of philanthropic organizations concerned with the assistance of refugees.

The first meeting of the Governing Body, which was held at Lausanne in December 1933, adopted the constitution of the organization and defined the scope of the activity of the High Commissioner.

"It would be his function not to collect funds himself, nor to carry out directly the work of settlement of the refugees, but rather to stimulate the fund-raising activities of the philanthropic bodies, and to co-ordinate the efforts of the organizations in many countries for the settlement, the emigration, and the re-training of the refugees, and to negotiate with governments both on technical questions such as passports, and on the admission of groups of refugees into countries where there is opportunity for their absorption."²²

One of the first juridical questions was to provide a document of identity and travel for refugees without a valid national passport. Many refugees who were still Germans could obtain neither a renewal of their German passports nor a new German document from the German consular authorities. In these cases, as well as in those of stateless persons, the governments were invited, and generally agreed, to employ the so-called "International Passport" of 1927, or some document which they use for persons not entitled to a national passport. It was not found necessary to devise any new document similar to the Nansen certificate. The German government, which for the most part dissociated itself from the work of the Commission and was unwilling to cooperate, consented to give those of its subjects who were refused a renewal of their

German passports a written intimation to that effect. The Governing Body further recommended that other states should recognize for visa purposes the travel documents issued to refugees by the individual governments. Another recommendation was to the effect that governments should allow stateless refugees from Germany to stay in their territory on the same conditions and to have the same opportunity of obtaining employment as that accorded to German nationals.

The Governing Body at its subsequent meetings²³ addressed to the states represented recommendations concerning the maintenance of permits of residence and permits of work in favor of the refugees. The economic depression, however, conspired to make these recommendations of little effect. German refugees, like those in the care of the Nansen Office, suffered from the exclusion of aliens from employment in the period of the depression. The relations of the autonomous High Commission with the governments were entirely those of persuasion and consultation, and were not clothed with the moral authority of the League possessed by the Nansen Office in invoking the resolutions of the League Assembly—although those resolutions had not proved efficacious during years of intense economic nationalism and economic distress.

WORK OF SETTLEMENT

The High Commissioner and the organizations associated with him were primarily concerned with facilitating the settlement of those who have left Germany. It is estimated that of the total number of 80,000, approximately 15,000 were still unplaced at the end of 1935. Of those settled, many more than half went overseas; the largest number, over 30,000, found a home in Palestine, and some thousands were absorbed in North and South America by a process of "infiltration" as distinct from group settlement. Some thousands again were absorbed in the economic life of the countries adjacent to Germany to which they turned for refuge. But there remained an unabsorbed mass, whose position became more and more precarious. Of the refugees from Germany an exceptionally large number, calculated at 13,000, including members of their families, belonged to the professional classes. The rest were largely derived from the classes of small traders, minor officials and clerks. Only a few were previously employed in agriculture or as manual workers of any sort. This special character

22. *Report of the Second Meeting of the Governing Body*, held in London, May 2nd, 3rd, 4th, 1934, published by the office of the High Commissioner for Refugees Coming from Germany.

23. Cf. *Reports of Third and Fourth Meetings of the Governing Body*, held in London, November 1 and 2, 1934, and July 17, 1935 respectively.

of the emigration from Germany made it impossible to proceed directly with settlement on the land on any large scale, and measures were taken for the re-training of the younger refugees, particularly the Jews, to fit them for agricultural and industrial work.

The work of settlement was carried out by private organizations. The Jewish Agency for Palestine, a body recognized by the Mandatory Government as representative of the Jewish organizations concerned in the establishment of the Jewish National Home, created a special bureau for the settlement of German Jews in Palestine. That bureau was responsible for placing in agricultural and industrial work a large number of the Jews who emigrated from Germany. Others made their own way to Palestine and established themselves with the limited amount of capital which they were authorized to remove from Germany. The immigration and settlement of Jews in other countries was carried out by an established Jewish immigration organization known as the *Hicem*, which was created in 1927 by the Jewish Colonization Association, and the Hebrew Immigrants Aid Society of America.

INTELLECTUAL REFUGEES

Special effort, too, was made on behalf of the refugees belonging to the academic callings and liberal professions. They had to be slowly and individually absorbed in new places of work. Special organizations, both national and international, were created to this end.

The work accomplished for the 650 professors, lecturers and others who were dismissed from the universities and left Germany was particularly fruitful.²⁴ By a remarkable effort of international cooperation it was possible to place nearly 600 of them, either in permanent or temporary positions where they could continue their scholarly and scientific work. For this part of the work alone a sum of over £300,000 was subscribed, largely by members of British and American universities and American research foundations. There was also a special effort on behalf of the refugees belonging to the liberal professions, although it was more difficult both to find places for the larger number and to obtain financial support for their maintenance.

The funds collected by different organizations on behalf of the refugees from Germany from the beginning of the exodus in April 1933 to the end of

1935 amounted altogether to nearly £2,000,000. By far the larger part was contributed by Jewish organizations in America, Britain, and other countries. The allocation and distribution of the funds was also carried out by the private organizations. The High Commissioner's task was to stimulate and assist in the appeals in different countries, and to make recommendations as to allocation of the money.

The work of settlement was almost entirely restricted to Jewish refugees. During the early part of 1935 the High Commissioner, assisted by Dr. S. G. Inman, visited the principal countries in South America with a view to finding openings for settlement of groups of refugees, both Jewish and non-Jewish, and also for placing a number of the academic and intellectual refugees.

In many quarters it was increasingly felt in 1935 that piecemeal treatment of the problems of refugees as they came before the League was unsatisfactory. That feeling was fostered on the one hand by the call for setting up fresh organizations to deal with special aspects of the problem, and on the other hand by the growing difficulty of securing homes for aliens deprived of the protection of any state.

In a debate²⁵ in the British House of Lords in February 1935, Lord Cecil of Chelwood, chairman of the Governing Body of the High Commission for Refugees Coming from Germany, urged that the governments should consider the question of refugees as a whole, and advocated the amalgamation of the different organizations into one organ which should be an integral part of the League of Nations. That was important, he said, not only because of the financial aspect of the question, but because such an organ would be subject to the whole machinery of the League. Public opinion would be kept alive as to what was actually going on, and the Assembly and Council of the League could debate any matters which called for discussion.

The 1935 Assembly adopted a resolution recommended by its sixth committee to the effect that the Council should appoint a small committee of experts to study the question of the refugees already under the Nansen Office and the German High Commission, on the understanding that no additional expenditures be incurred without "explicit permission" of the Assembly. This committee was to report to the Council which could act even before the meeting of the ordinary Assembly of 1936, to which the whole question was to be submitted.

24. Cf. *A Crisis in the University World*, published by the Office of the High Commissioner for Refugees coming from Germany (Sentinel House, Southampton Row, London, March 9, 1935).

25. Cf. Great Britain, *Parliamentary Debates*, House of Lords, February 6, 1935, Vol. 95, No. 18.

MR. McDONALD'S LETTER OF RESIGNATION

International attention to the seriousness of the German refugee problem was called on December 27, 1935 by the publication of the letter of resignation of Mr. James G. McDonald as High Commissioner for Refugees,²⁶ and by the announcement that his office would be liquidated in January 1936. In his letter Mr. McDonald declared that

"more than half a million persons, against whom no charge can be made except that they are not what the National Socialists choose to regard as 'Nordic,' are being crushed. They cannot escape oppression by any act of their own free-will . . . Tens of thousands are today anxiously seeking ways to flee abroad; but except for those prepared to sacrifice the whole or greater part of their savings, the official restrictions on export of capital effectively bar the road to escape, and the doors of most countries are closed against impoverished fugitives. Nevertheless, if the present pressure is not relieved, it is inconceivable that those who can flee will remain within Germany.

" . . . It is being made increasingly difficult for Jews and 'non-Aryans' in Germany to sustain life. Condemned to segregation within the four corners of the legal and social Ghetto which has now closed upon them, they are increasingly prevented from earning their living. Indeed more than half of the Jews remaining in Germany have already been deprived of their livelihood. In many parts of the country there is a systematic attempt at starvation of the Jewish population."

Mr. McDonald declared that the care and settlement of the refugees could be borne by the already heavily burdened private organizations only if they were not faced with an increase in the number of refugees. It was consequently necessary for the League to remove the causes of the refugee problem.

"The developments since 1933, and in particular those following the Nuremberg legislation, call for fresh collective action in regard to the problem created by persecution in Germany. The moral authority of the League of Nations and of State Members of the League must be directed toward a determined appeal to the German government in the name of humanity and of the principles of the public law of Europe The growing sufferings of the persecuted minority in Germany and the menace of the growing exodus call for friendly but firm intercession with the German Government, by all pacific means, on the part of the League of Nations, of its Member States and other members of the community of nations."

26. *Letter of Resignation of James G. McDonald, High Commissioner for Refugees (Jewish and Other) Coming from Germany, addressed to the Secretary General of the League of Nations.* The letter contained an annex presenting an analysis of the measures taken in Germany against "non-Aryans," and of their effect in creating refugees.

In conclusion, the High Commissioner said:

"I feel bound to conclude this letter on a personal note. Prior to my appointment as High Commissioner for Refugees Coming from Germany, and in particular during the fourteen years following the War, I gave in my former office frequent and tangible proof of my concern that justice be done to the German people. But convinced as I am that desperate suffering in the countries adjacent to Germany, and even more terrible human calamity within the German frontiers, are inevitable unless present tendencies in the Reich are checked or reversed, I cannot remain silent When domestic policies threaten the demoralization and exile of hundreds of thousands of human beings, considerations of diplomatic correctness must yield to those of common humanity."

THE EXPERTS' PROPOSAL

A few days later, on January 3, 1936, the experts' committee presented its report to the League Council.²⁷ In surveying the situation the committee declared that "cases of the most terrible degradation were reported This state of chaos is a menace to the future of two generations" The problem was particularly acute in neighboring countries or those which had adopted a liberal policy in the matter of the right of asylum. Their burden could be relieved by some form of assisted emigration. "At the present time, the number of refugees coming from Germany is far smaller than that of the other categories of exiles, and many of them are also far better supplied with means of assistance."

To meet the situation created by the liquidation of the High Commission for German Refugees in January 1936 and of the Nansen Office by December 31, 1938, the committee proposed a number of temporary measures. Among these was the provisional appointment of an outstanding personality to act until the next Assembly as temporary president of the Nansen Office and to make a report regarding winding up of the Office on constructive lines. A second personality should be appointed to insure the continuity of the High Commission's work for German refugees; summon an intergovernmental conference with a view to establishing a general system of legal protection for refugees; work out a program for the migration of German refugees to countries prepared to receive them; and report to the next Assembly on the general problem of German refugees.

In addition to these provisional measures, four out of five members of the committee recommended that the personality appointed as head of the

27. League of Nations, C.2.M.2.1936.XII.

Nansen Office should attach thereto "in the form of an additional but separate service," a special organization for German refugees. This service should be administered in such a way as to insure its conversion into an autonomous body under the auspices of the League, when the Nansen Office was no longer in existence.²⁸ The Italian member on the committee voted against the proposal—taking an attitude similar to that of the Soviet Union. These two dictatorships have been responsible equally with Germany for creating numerous refugees, and do not wish the League to assume any responsibility for their welfare.

Thus the League is confronted with two different proposals: (1) the McDonald proposal that the League formally protest to the German government against its anti-Jewish policy; (2) the experts' proposal providing for temporary continuation of the work of the office of German refugees and eventually for its transfer to the League. In view of the hostility of Italy and the Soviet Union—both League members—to League action on refugees, it remains to be seen whether either of these proposals will be adopted.

On January 24, 1936 the League Council passed a resolution thanking Mr. McDonald for his services and leaving the naming of a temporary successor to the Council president. It authorized the new High Commissioner to arrange a conference before September to provide passport protection for

German refugees. Germany and Brazil are invited to attend the conference.

The well-informed Berlin correspondent of the London *Times* declared on January 7, 1936: "There does not seem to be much hope of doing anything for the Jewish community here by way of international pressure on the National Socialist Government to modify their policies. If not completely indifferent to foreign opinion in this matter, they appear to be unable to keep in check the anti-Semitic elements in the party."²⁹

One other alternative is a plan of assisted emigration. At present, the German government does not allow Jews to take their capital out of the country. In certain circles it is believed that this difficulty could be overcome if world Jewry raised a sum with which to subsidize German exports. On January 21, 1936 Sir Herbert Samuel, Viscount Bearsted and Simon Marks, representatives of British Jewry, arrived in the United States to discuss the refugee problem with American Jews. They denied, however, that they had proposed any plan to subsidize German exports in order to secure the export of Jewish capital from Germany.³⁰ On this understanding several American Jewish groups endorsed a plan to assist the migration from Germany of the younger Jews, many of whom have no property and who number about 100,000. For this purpose a fund of \$15,000,000 is to be raised, \$5,000,000 of which is to be furnished by the British Jews.³¹

GENERAL CATEGORIES AND DISTRIBUTION OF REFUGEES

Date	Nationality	Number	Distribution
1921	Russian	1,500,000	13,000 repatriated. Rest scattered through Europe.
1922	Russian	4,600	Settled in Cyprus, Egypt and Jugoslavia.
1923	Greek	1,500,000	Transferred from Turkey to Greece.
	Bulgarian	6,000	Repatriated (from Turkey).
1921-3	Armenian	350,000	Settled in Bulgaria, Greece, China and Poland.
1933-4 ¹	Refugees from Germany	80,000	Countries adjacent to Germany, Palestine, U. S. A., etc.
1935	Refugees from the Saar	5,000	In France.
1932 ²	Assyrians	25,000	In camps in Iraq.

1. Under *High Commission for Refugees (Jewish and Other) Coming from Germany*.

2. Under *Committee of the Council for the Settlement of the Assyrians in Iraq*.

28. The committee by a vote of four to one also presented an alternative proposal in the event that the Council rejected the first; namely, that an autonomous international organization for German refugees be set up under the League.

29. *The Times* (London), January 8, 1936.

30. *New York Times*, January 22, 1936.

31. *Ibid.*, January 29, 1936.